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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,771	04/27/2001	Fumito Takemoto	2091-0242P	2813

2292 7590 04/02/2007  
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EXAMINER

HANNETT, JAMES M

ART UNIT PAPER NUMBER

2622

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	04/02/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 04/02/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

**Office Action Summary**

<b>Application No.</b> 09/842,771	<b>Applicant(s)</b> TAKEMOTO, FUMITO
<b>Examiner</b> James M. Hannett	<b>Art Unit</b> 2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1)  Responsive to communication(s) filed on 28 December 2006.
- 2a)  This action is **FINAL**.                      2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4)  Claim(s) 1,3-7,9-13 and 15-18 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) 3-6,9-12 and 15-18 is/are allowed.
- 6)  Claim(s) 1,7 and 13 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on 27 April 2001 is/are: a)  accepted or b)  objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a)  All    b)  Some \* c)  None of:
1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

Applicant's arguments filed 12/28/2006 have been fully considered but they are not persuasive. The applicant argues that Oku does not teach that the 3DLUT is generated for a model of a digital camera.

The examiner disagrees with the applicant. Oku et al teaches on Column 1, lines 17-20 and on Column 2, lines 37-63 the use of an image processing apparatus that uses three-dimensional look-up tables to correct tone and color in digital images. Oku et al further teaches that it is advantageous to perform the color correction in consideration of the color reproduction characteristics of the image recording apparatus. Oku et al generates lookup tables based on the different color reproduction characteristics of different recording apparatuses. Therefore, Oku et al generates lookup tables based on the characteristics of different cameras. Furthermore, these characteristics are different depending on the camera. Therefore, Oku et al teaches the 3DLUT's are generated based on a model of the digital camera.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**1:** Claims 1, 7 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 5,805,213 Spaulding et al in view of 5,489,996 Oku et al.

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2: As for Claims 1, 7 and 13, Spaulding et al teaches on Column 9, Lines 5-11 and depicts in figure 7 an image processing method and apparatus for obtaining image data by carrying out tone conversion processing and color correction processing on image data obtained by a digital camera, the image processing method comprising the steps of generating a 3D-LUT for carrying out tone conversion processing and color correction processing simultaneously on the image data and obtaining the processed image data according to the 3D-LUT. Spaulding et al teaches on Column 9, Lines 5-11 that the color correction transformation can include aspects of tone-scale correction, as well as color-correction. And states that a 3D-LUT can have values that represent the combined (simultaneous) operations for converting from the sensor color values to the primary color values and applying a desired tone scale function. Spaulding et al teaches the use of an image processing apparatus that uses a look-up table to correct tone and color in digital images. However, Spaulding et al does not teach the step of generating the three-dimensional look-up table for a model of a digital camera.

Oku et al teaches on Column 1, lines 17-20 and on Column 2, lines 37-63 the use of an image processing apparatus that uses three-dimensional look-up tables to correct tone and color in digital images. Oku et al further teaches that it is advantageous to perform the color correction in consideration of the color reproduction characteristics of the image recording apparatus in order to record an image with good color reproduction.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to perform the color correction and tone correction process of Spaulding et al in consideration of the color reproduction characteristics of the image recording apparatus as taught by Oku et al in order to record an image with good color reproduction.

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*Allowable Subject Matter*

**3:** Claims 3-6, 9-12 and 15-18 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art does not teach the step of comparing the total number of pixels in an image with the total number of lattice points in the 3D-LUT and performing the tone and color correction process according to the comparison. Furthermore, the prior art does not teach setting the number of lattice points in the 3D-LUT according to the number of bits of the image data.

*Conclusion*

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M. Hannett whose telephone number is 571-272-7309.

The examiner can normally be reached on 8:00 am to 5:00 pm M-F.

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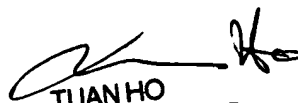
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on 571-272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James M. Hannett  
Examiner  
Art Unit 2622



JMH  
March 22, 2007



TUAN HO  
PRIMARY EXAMINER